

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOVAN CAMPBELL,

Plaintiff,

-v.-

FISCHER & WIESER SPECIALTY FOODS,  
INC.,

Defendant.

22 Civ. 09791 (JHR)

ORDER OF DISMISSAL

JENNIFER H. REARDEN, District Judge:

On November 17, 2022, Plaintiff filed the Complaint in this action. ECF No. 1. On December 6, 2022, Defendant was served with process. *See* ECF No. 5. Defendant's response was due on December 27, 2022. Defendant has not responded to the Complaint or otherwise appeared.

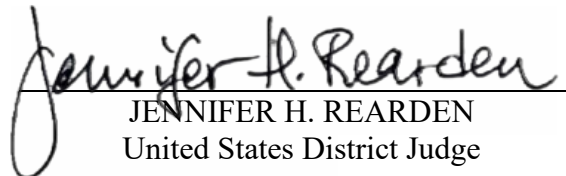
On May 8, 2023, the Court issued an Order to Show Cause, directing Plaintiff to show why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. ECF No. 13. The Court's May 8 Order informed Plaintiff that cause may be shown by requesting a certificate of default from the Clerk of Court, and, by May 15, 2023, filing a motion for default judgment. *Id.* at 1. Since that Order was issued, Plaintiff has not requested a certificate of default, filed a motion for default judgment, or otherwise taken any action to make progress in this case.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962), the Court hereby dismisses this case, without prejudice, for failure to prosecute.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: June 14, 2023  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge